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PART – I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA-134109

Notification

The 27th November, 2020

No. SEC/3ME/2020/2514.— Whereas, the superintendence, direction and control of all elections to Municipal Councils and Municipal Committees in the State are vested in the State Election Commission by the Constitution of India and the Haryana Municipal Act, 1973 (Haryana Act No. 24 of 1973),

And whereas, it is necessary and expedient to provide in the interest of purity of elections to Municipal Councils and Municipal Committees in the State of Haryana and in the interest of conduct of such elections, in a fair and efficient manner, for the specification, reservation, choice and allotment of symbols and for the recognition of political parties and for matters connected therewith;

Now, therefore, in exercise of the powers conferred under article 243ZA of the Constitution of India, Section 3A of the Haryana Municipal Act, 1973 (Haryana Act No. 24 of 1973), and rule 18 of the Haryana Municipal Election Rules, 1978 and all other powers enabling it in this behalf, the State Election Commission, Haryana hereby makes the following Order :—

1. Short title, extent, application and commencement.— (1) This Order may be called the Haryana Municipal Councils and Municipal Committees Election Symbols (Reservation and Allotment) Order, 2020.

(2) It shall extend to the whole of the State of Haryana in relation to elections in all Municipal Councils and Municipal Committees.

(3) It shall come into force on the date of its publication in the Haryana Government Gazette, which date hereinafter referred to be the date of commencement of this Order.

2. Definitions and interpretation.— (1) In this Order, unless the context otherwise requires,—

- (a) “Act” means the Haryana Municipal Act, 1973;
- (b) “clause” means a clause of the paragraph or sub-paragraph in which the word occurs;
- (c) “contested election” means an election in a Municipal Council or Municipal Committee President or a member where a poll is taken;
- (d) “election” means an election to fill a seat of President or a seat or seats of member/members in Municipal Council or Municipal Committee and in which this Order applies;
- (e) “Form” means a form appended to this Order;

- (f) “political party” means an association or body of individual citizens of India registered with the Election Commission of India as a political party under section 29A of the Representation of the People Act, 1951(43 of 1951);
- (g) “registered but un-recognised political party” means and includes every political party registered under section 29A of the Representation of the People Act, 1951 with the Election Commission of India, and head office of which is located in the State of Haryana ;
- (h) “National party” means and includes every political party which has been recognised by the Election Commission of India as a National Party under the Election Symbols (Reservation and Allotment) Order, 1968;
- (i) “State party” means and includes every political party which has been recognised by the Election Commission of India as a State party in the State of Haryana under the Election Symbols (Reservation and Allotment) Order, 1968;
- (j) “paragraph” means a paragraph of this Order;
- (k) “rules” mean the Haryana Municipal Elections Rules, 1978;
- (l) “State Election Commission” means the State Election Commission, Haryana constituted under Article 243K and 243ZA of the Constitution of India vide Haryana Government, Development and Panchayat Department, notification No. S.O.101/Const./Art. 243A/243ZA/93, dated the 18th November, 1993;
- (m) “sub-paragraph” means a sub-paragraph of the paragraph in which the word occurs.
- (n) “ward” means the ward of Council or Committee Constituted by the State Government under Section 34 of the Act, 1973; and
- (o) words and expressions used but not defined in this order but defined in the Representation of the People Act, 1950, or the rules made thereunder or in the Representation of the People Act, 1951, or the rules made thereunder or the Haryana Municipal Act, 1973 or the rules made thereunder, shall have the meaning respectively assigned to them in those Acts and rules.

(2) The Punjab General Clauses Act, 1898 (Punjab Act 1 of 1898) shall, as far as may be, apply in relation to the interpretation of this Order as it applies in relation to the interpretation of a Haryana Act.

3. Allotment of symbols.- In every contesting election, a symbol shall be allotted to a contesting candidate in accordance with the provisions of this Order and different symbols shall be allotted to different contesting candidates at an election in the same ward.

4. Classification of symbols.- (1) For the purpose of this Order, symbols are either reserved or free.

(2) Save as otherwise provided in this Order, a reserved symbol is a symbol which is reserved by the Election Commission of India under the Election Symbols (Reservation and Allotment) Order, 1968 for a recognised political party.

(3) A free symbol is a symbol other than a reserved symbol.

5. Notification by the State Election Commission containing lists of political parties and the symbols.-

(1) The State Election Commission shall, by one or more notifications in the State Gazette, publish lists specifying-

- (a) the National parties and the symbols, respectively reserved for them;
- (b) the State parties for the State of Haryana and the symbols, respectively reserved for them ; and
- (c) the free symbols for the independent candidates.

(2) Every such list shall, as far as possible, be kept up-to-date.

6. Choice of symbols by candidates of National and State parties and allotment thereof.- (1) A candidate, set up by a National Party at any election of President of Municipal Council or Municipal Committee or member from any ward of Municipal Council or Municipal Committee, shall be allotted the symbol reserved for that party and no other symbol.

(2) A candidate, set up by a State party at an election of President of Municipal Council or Municipal Committee or member from any ward of Municipal Council or Municipal Committee, shall be allotted the symbol reserved for that party in the State of Haryana and no other symbol.

(3) A reserved symbol shall not be allotted to any candidate of President of Municipal Council or Municipal Committee or member in any ward other than a candidate set up by a National party for whom such symbol has been reserved or a candidate set up by a State party in the State of Haryana for whom such symbol has been reserved in the State of Haryana even if no candidate has been set up by such National or State party in that ward.

7. Choice of symbols by other candidates and allotment thereof.- (1) Any candidate of an election for President of Municipal Council or Municipal Committee or member from any ward of Municipal Council or Municipal Committee other than -

- (a) a candidate set up by a National party, or
- (b) a candidate set up by State Party (recognised for the State of Haryana), or
- (c) a candidate referred to in paragraph 8,

shall choose and shall be allotted in accordance with the provisions hereinafter set out in this paragraph, one of the symbol specified as free symbol for that Municipal Council or Municipal Committee by notification under paragraph 5.

(2) Where any free symbol has been chosen by only one candidate of such election, the returning officer shall allot that symbol to that candidate and to no one else.

(3) Where the same free symbol has been chosen by several candidates of such election, then –

- (a) if, of those several candidates, only one is a candidate set up by a registered but unrecognized political party and the rest are independent candidates, the returning officer shall allot that free symbol to the candidate set up by the unrecognized political party, and to no one else and, if, of those several candidates, two or more are set up by different unrecognized political parties and the rest are independent candidates, the returning officer shall decide by lot to which of the two or more candidates set up by the different unrecognized political parties that free symbol shall be allotted, and allot that free symbol to the candidate on whom the lot falls, and to no one else:

Provided that where of the two or more such candidates set up by such different unrecognized political parties, only one is, or was, immediately before such election, a sitting President of Municipal Council or Municipal Committee or member of Municipal Council or Municipal Committee (irrespective of the fact as to whether he/she was allotted that free symbol or any other symbol at the previous election when he/she was chosen as such President or member), the returning officer shall allot that free symbol to that candidate, and to no one else;

- (b) if, of those several candidates, no one is set up by any unrecognized political party and all are independent candidates, but one of the independent candidates is or was, immediately before such election a sitting President of Municipal Council or Municipal Committee or member of Municipal Council or Municipal Committee, and was allotted that free symbol at the previous election when he/she was chosen as such President or member, the Returning Officer shall allot that free symbol to that candidate, and to no one else; and
- (c) if, of those several candidates, being all independent candidates, no one is, or was, a sitting member as aforesaid, the returning officer shall decide by lot to which of those independent candidates that free symbol shall be allotted, and allot that free symbol to the candidates on whom the lot falls, and to no one else.

Provided that every independent candidate shall give in his/her nomination form choice of three symbols in order of preference, from the list of free symbols published by the State Election Commission.

8. When a candidate shall be deemed to be set up by a political party.- For the purposes of an election to President of Municipal Council or Municipal Committee or member from any ward of Municipal Council or Municipal Committee to which this Order applies, a candidate shall be deemed to be set up by a political party in any such Municipal Council or Municipal Committee for President or member from ward, if, and only if, –

- (a) the candidate has enclosed a declaration to that effect along with the nomination paper;
- (b) the candidate is a member of that political party and his name is borne on the rolls of members of the party;
- (c) a notice by the political party in writing, in Form B, to that effect has, not later than 3.00 P.M. on the last date for making nominations, been delivered to the Returning Officer of the ward;
- (d) the said notice in Form B is signed by the President, the Secretary or any other office bearer of the party, and the President, Secretary or such other office bearer sending the notice has been authorised by the party to send such notice;
- (e) the name and specimen signature of such authorised person are communicated by the party, in Form A, to the Returning Officer of the Municipal Council or Municipal Committee not later than 3.00 P.M. on the last date for making nominations; and

- (f) Forms A and B are signed, in ink only, by the said office bearer or person authorised by the party:

Provided that no facsimile signature or signature by means of rubber stamp, etc. of any such office bearer shall be accepted and no form transmitted by fax shall be accepted.

9. Concession to candidates set up by a State party recognised for the States/Union Territories other than the State of Haryana.- If a political party which is recognised as a State party, in the State or Union Territory other than the State of Haryana, sets up a candidate at an election to a President of Municipal Council or Municipal Committee or member in a ward in any Municipal Council or Municipal Committee in the State of Haryana, then such candidate may, to the exclusion of all other candidates to President of Municipal Council or Municipal Committee or member in a the ward, be allotted the symbol reserved for that party in the States or Union Territories in which it is a recognised State party, on the fulfilment of each of the following conditions, namely :-

- (a) that an application is made to the State Election Commission by the said party for exclusive allotment of that symbol to the candidate set up by it, not later than the third day after the publication in the Official Gazette of the notification calling the election;
- (b) that the said candidate has made a declaration in his nomination paper that he has been set up by that party at the election and that the party has also fulfilled the requirements of clauses (b), (c), (d), (e) and (f) of paragraph 8 read with paragraph 10 in respect of such candidate ; and
- (c) that in the opinion of the State Election Commission there is no reasonable ground for refusing the application for such allotment:

Provided that nothing contained in this paragraph shall apply to a candidate set up by the State party recognised for other State or Union Territory at an election in any ward of the Council or Committee where the same symbol is already reserved for State party recognised for the State of Haryana.

Provided further that, if the symbol reserved for the said State party recognised for other State/ Union Territory by the Election Commission of India, is not available in the list of free symbols published by the State Election Commission, the party concerned shall make available the sketch/drawing, of symbol along with application to be submitted under sub para (a) of this paragraph.

10. Substitution of a candidate by a political party.- For the removal of any doubt, it is hereby clarified that a political party which has given a notice in Form B under paragraph 8 in favour of a candidate may rescind that notice and may give a revised notice in Form B in favour of another candidate for the ward:

Provided that the revised notice in Form B, clearly indicating therein that the earlier notice in Form B has been rescinded, reaches the Returning Officer for President of Municipal Council or Municipal Committee or member of the ward of Municipal Council or Municipal Committee, not later than 3.00 p.m. on the last date for making nominations, and the said revised notice in Form B is signed by the authorized person referred to in clause (d) of paragraph 8:

Provided further that in case more than one notice in Form B is received by the Returning Officer in respect of two or more candidates, and the political party fails to indicate in such notices in Form B that the earlier notice or notices in Form B, has or have been rescinded, the Returning Officer shall accept the notice in Form B in respect of the candidate whose nomination paper was first delivered to him, and the remaining candidate or candidates in respect of whom also notice or notices in Form B has or have been received by him, shall not be treated as candidates set up by such political party.

11. Preparation of list of validly nominated candidates.- (1) List of validly nominated candidates shall be prepared by the Returning Officer alphabetically in Hindi language as per the following Order:-

- (a) name of the candidates set up by the recognised political party;
- (b) name of candidates set up by the registered but un-recognised political party; and
- (c) names of independent candidates.

12. Power of State Election Commission to debar the contesting candidate or to withdraw the reserved symbol of a recognized political party for its failure to observe Model Code of Conduct or to follow lawful directions and instructions of the State Election Commission.- Notwithstanding anything contained in this Order, if the State Election Commission is satisfied on information in its possession that a recognized political party under the provisions of this Order, has failed or has refused or is refusing or has shown or is showing defiance by its conduct or otherwise.

- (a) to observe the provisions of the “ Model Code of Conduct for Guidance of Political parties and candidates” as issued by the State Election Commission or as amended by it from time to time, or

- (b) to follow or carry out the lawful directions and instructions of the State Election Commission given from time to time with a view to furthering the conduct of free, fair and peaceful elections of safeguarding the interests of the general public and the electorate in particular,

the State Election Commission may, after taking into account all the available facts and circumstances of the case and after giving the party a reasonable opportunity of showing cause in relation to the action proposed to be taken against it, either debar the contesting candidate or to withdraw the reserved symbol of such party for such period as the State Election Commission may deem appropriate.

Provided that if a symbol of a contesting candidate set up by a political party has been withdrawn, he can contest election on a free symbol.

13. Power of State Election Commission to issue instructions and directions.- The State Election Commission may issue instructions and directions,-

- (a) for the clarification of any of the provision of this Order;
- (b) for the removal of any difficulty which may arise in relation to the implementation of any such provisions; and
- (c) in relation to any matter with respect to which this Order makes no provision or makes insufficient provision, and provision is in the opinion of the State Election Commission necessary for the smooth and orderly conduct of elections.

14. Repeal and savings.- The Haryana Municipal Election Symbols (Reservation and Allotment) Order, 2014, are hereby repealed:

Provided that any order made or action taken under the order so repealed shall be made or taken under the corresponding provisions of these orders.

FORM-A**COMMUNICATION WITH REGARD TO AUTHORISED PERSONS TO INTIMATE NAMES OF CANDIDATES SET UP BY RECOGNISED NATIONAL OR STATE POLITICAL PARTY OR REGISTERED UN-RECOGNIZED POLITICAL PARTY.***[See paragraph 8)*

To

The Returning Officer for the President or member from ward

No. _____ Municipal Council/ Municipal Committee _____.

Subject: General Elections to Municipal Council/ Municipal Committee _____ -Allotment of Symbols-Authorisation of persons to intimate names of candidates.

Sir,

In pursuance of the Haryana Municipal Election Symbols (Reservation and Allotment) Order, 2020, I hereby communicate that the following person(s) has/have been authorised by the party, which is National party/State party in the State of _____ Registered but Un-recognised party to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of person authorised to send notice	Name of office held in the party	Municipal Council/ Municipal Committee for President or member of a Ward in respect of which he/she has been authorised.
1	2	3
1.		
2.		
3.		
4.		
5.		

2. The specimen signatures of the above mentioned person(s) so authorised are given below:—

1. Specimen signatures of Smt./Shri _____
(i) _____ (ii) _____ (iii) _____
2. Specimen signatures of Smt./Shri _____
(i) _____ (ii) _____ (iii) _____
3. Specimen signatures of Smt./Shri _____
(i) _____ (ii) _____ (iii) _____

Yours faithfully,

President/Secretary

Name of the Party.

(Seal)

Place:

Date:

N.B.—

1. This must be delivered to the Returning Officer not later than 3.00 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer(s) mentioned above.
3. No facsimile signature or signature by means of rubber stamp, etc. of any office bearer shall be accepted.
4. No form transmitted by fax shall be accepted.

FORM B**NOTICE AS TO NAME OF CANDIDATE SET UP BY THE POLITICAL PARTY***(See paragraph 8)*

To

The Returning Officer for President or member from

Ward No. _____ Municipal Council/ Municipal Committee _____.

Subject: General/bye Election to Municipal Council/ Municipal Committee _____-Setting up of candidate.

Sir,

In pursuance of the Haryana Municipal Council and Municipal Committee Election Symbols (Reservation and Allotment) Order, 2020, I hereby give notice on behalf of _____ (Party).

- (i) that the person whose particulars are furnished in columns(2) to (4) below is the approved candidate of the part above named, and
- (ii) the person whose particulars are mentioned in columns (5) to (7) below is the substituted candidate of the party, who will step –up on the approved candidate’s nomination being rejected on scrutiny or on his withdrawing from the contest, if the substitute candidate is still a contesting candidate, at the ensuing general/bye-election from this constituency:

Name of the Municipal Council/ Municipal Committee	Name of the approved candidate	Father’s/ Mother’s/ Husband’s name of approved candidate.	Postal address of approved candidate.	Name of the substituted candidate who step-in on the approved candidate’s nomination being rejected on scrutiny or on his withdrawing from the contest if substituted candidate is still a contesting candidate.	Father’s/ Mother’s/ Husband’s name of substituted candidate.	Postal address of substituted candidate.
1	2	3	4	5	6	7

2. The notice in Form “B” given earlier in favour of Shri/Smt./Sushri _____ as party’s approved candidate/Shri/ Smt./ Sushri _____ as Party’s substituted candidate is hereby rescinded.

3. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.

Yours faithfully,

(Name and Signature of the
Authorized person of the Party).

(Seal of Party)

Place:
Date:

N.B.—

1. This must be delivered to the Returning Officer not later than 3.00 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer(s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc. of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.
4. Para 2 of the Form must be scored off, if not applicable or must be properly filed, if applicable.

Panchkula:
The 27th November, 2020.

DR. DALIP SINGH,
State Election Commissioner, Haryana.